STAFF REPORT
Committee of Adjustment
Application

Date: Wednesday, February 27, 2013

To: Chair and Committee Members of the Committee of Adjustment
North York District

From: Allen Appleby, Director, Community Planning, North York District

Wards: Ward 23 (Willowdale)

Address: 198 DUNVIEW AVENUE
Application to be heard: Wednesday, March 6, 2013 at 10:00 a.m.

RECOMMENDATION

Planning staff recommend that the application be refused.

APPLICATION

To divide a parcel of residential lands into two parts for conveyance purposes for the creation of a new residential building lot.

The lands concerned have a lot frontage of 19.51m fronting onto the north side of Dunview Avenue which is rectangular in shape, having an average depth of 41.35m and an approximate area of 804.00m². The lands presently contain a single detached dwelling municipally known as 198 Dunview Avenue.

The existing single detached dwelling would be demolished and a new two-storey dwelling is proposed to be constructed on each of the resulting lots.

Parts 1 and 2 on the plan attached to this notice would each have a lot frontage of 9.76m and 9.75 respectively, fronting onto the north side of Dunview Avenue. Parts 1 and 2 would also have an average depth of 41.35m and an area of 297.36m² and 403.13m² respectively.

Variances have been applied for to facilitate other proposed developmental aspects.
A116/11NY – WEST 9.76M OF 198 DUNVIEW AVENUE (PART 1)

To construct a two-storey dwelling with integral, at-grade, two car garage on the west 9.76m portion of 198 Dunview Avenue (Part 1). The existing dwelling would be demolished.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

North York By-law No. 7625
1. Proposed lot area of 297.36m²
   WHEREAS a minimum lot area of 550.00m² is required;

2. Proposed lot frontage of 8.83m
   WHEREAS a minimum lot frontage of 15.00m is required;

3. Proposed lot width of 8.79m
   WHEREAS a minimum lot width of 15.00m is required;

4. Proposed west side yard setback of 0.30m
   WHEREAS a minimum west side yard setback of 1.50m is required;

5. Proposed east side yard setback of 0.60m
   WHEREAS a minimum east side yard setback of 1.50m is required;

6. Proposed lot coverage of 36.60% of the lot area (108.97m²)
   WHEREAS a maximum lot coverage of 30.00% of the lot area (89.20m²) is permitted;

7. Proposed building height of 9.65m
   WHEREAS a maximum building height of 8.80m is permitted;

8. Proposed finished first floor height of 2.10m
   WHEREAS a maximum finished first floor height of 1.50m is permitted; and

9. Proposed front yard hard surface area of 60.00%
   WHEREAS a maximum front yard hard surface area of 50.00% is permitted.

A117/11NY – EAST 9.75M OF 198 DUNVIEW AVENUE (PART 2)

To construct a two-storey dwelling with integral, at-grade, two car garage on the east 9.75m portion of 198 Dunview Avenue (Part 2). The existing dwelling would be demolished.

North York By-law No. 7625

1. Proposed lot area of 403.13m²
   WHEREAS a minimum lot area of 550.00m² is required;

2. Proposed lot frontage and width of 9.75m

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WHEREAS a minimum lot frontage and width of 15.00m is required;

3. Proposed west side yard setback of 0.60m
WHEREAS a minimum west side yard setback of 1.50m is required;

4. Proposed east side yard setback of 1.20m
WHEREAS a minimum east side yard setback of 1.50m is required;

5. Proposed lot coverage of 32.00% of the lot area (128.95m²)
WHEREAS a maximum lot coverage of 30.00% of the lot area (89.20m²) is permitted;

6. Proposed building height of 9.70m
WHEREAS a maximum building height of 8.80m is permitted;

7. Proposed finished first floor height of 2.10m
WHEREAS a maximum finished first floor height of 1.50m is permitted; and

8. Proposed front yard hard surface area of 55.00%
WHEREAS a maximum front yard hard surface area of 50.00% is permitted.

COMMENTS

The subject property is located west of Bayview Avenue and south of Finch Avenue East and is designated Neighbourhoods in the City of Toronto Official Plan. Neighbourhoods are considered stable areas where new development will maintain the existing physical character of the area.

Section 4.1 of the Plan outlines the development policies for Neighbourhoods. The Official Plan acknowledges that Neighbourhoods, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. The preamble to the development criteria states, "Physical changes to our established Neighbourhoods must be sensitive, gradual and generally "fit" the existing character."

Policy 4.1.5 outlines development criteria for in established Neighbourhoods. Development in established Neighbourhoods will respect and reinforce the existing physical character of the area, with regard to:

c) Heights, massing, scale and dwelling type of nearby residential properties;

The Plan affirms that no changes will be made with respect to rezoning, minor variance, consent or other public action that are not in keeping with the physical character of the neighbourhood.

The subject property is zoned R4, in the former City of North York By-Law No. 7625 as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. Limitations on lot coverage, side yard setbacks, building height, front yard hard surface area and first floor height are devised to achieve more uniform and consistent built form streetscapes to maintain a standard pattern of development.

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Staff conducted analyses of the frontages, depths and areas found in the neighbourhood. Of the 96 properties contained within this study area the majority of lot frontages in the study fall between 15.2 metres (50 feet) and 18.3 metres (59.9 feet). Within the study area, there are only 9 lots with a lot frontage between 9.1m (30ft) and 12.2m (39.9ft) similar to the lots proposed. The average lot area in the lot study is 652.7 metres squared.

A severance of this lot does not respect the physical character of the neighbourhood in regards to lot frontage and depth and does not meet the Zoning By-law regulations for an R4 zone.

Planning staff are also concerned with the proposed variances for each of the proposed lots. Cumulatively, these variances result in a built form that is not in keeping with the size of the proposed lots and are required due to their undersized nature.

Therefore Planning staff recommend the following applications be refused.

Respectfully submitted,

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SIGNATURE

Allen Appleby
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B005/11NY, A116/11NY & A117/11NY - 198 DUNVIEW AVENUE